

## REMARKS

### *Telephone Interview Summary*

Applicants wish to thank Examiners Jack Morgan and Nathan Newhouse for their time and effort during a personal interview with Applicants' attorneys Thomas Feix and Ann Lee, on August 15, 2007. During the interview, samples of applicant's valve and the valve of Engel et al. (US 7,178,555) were shown. The semi-rigid feature of the valve membrane was demonstrated.

### *The Pending Claims*

Currently pending are claims 1, 3-9, 12-17, 19-27, 30 and 31. By this response, claims 1, 17, 27 and 30 are amended and claim 31 is added. Reconsideration of the pending claims is respectfully requested.

### *Summary of the Office Action*

Claims 1, 3-9, 12-17, 19-25, 27 and 30 were rejected under 35 USC §102(e) as being anticipated by Engel et al. (US 7,178,555). Claim 26 was rejected under 35 USC §103(a) as being unpatentable over Engel et al. (US 7,178,555) in view of Sprehe et al. (US 6,059,457).

### *Amendments to the Claims*

Independent claims 1, 17 and 30 have been amended to point out and more particularly and claim more distinctly the subject matter of the invention. Specifically, claim 1 has been amended to include language describing the semi-rigid nature of the membrane and its ability to remain in both its convex or concave positions absent an external force applied directly to the membrane. Claims 17 and 30 have been similarly amended. Support for the added language is found in the specification at numbered paragraphs [0007], [0008], [0050] and [0051].

Newly presented claim 31 is directed to valve element comprising a flexible valve seat and a semi-rigid membrane including a raised portion and a border portion wherein the membrane produces an audible click or pop as the raised portion is moved across the plane of the border portion. Support for the audible feature recited in new claim 31 is found in the

specification at numbered paragraph [0050]. No new matter is added by the current amendments to the claims.

*Discussion of the Claim Rejections*

At best understood, the overpressure valve of Engel et al. is an example of a conventional coffee bag valve in which the film or membrane 50 or 150 of the valve consists of a flexible material that moves inwardly to close the valve in response to a vacuum or negative pressure and balloons outwardly to open the valve in response to an overpressure. Engel et al. fails to teach or suggest a bi-stable valve wherein the valve membrane remains in both its inwardly or outwardly deformed positions absent an externally applied force. This is consistent with the sample of the Engel et al. valve shown in the personal interview on August 15, 2007.

Each of the independent claims 1, 17 and 30 have been amended to recite that the membrane has “a rigidity sufficient to maintain its shape in both its convex or concave position in the absence of external force applied directly to the membrane” to more clearly distinguish over the valve disclosed in Engel et al.

With regard to new claim 31, Engel et al. fails to teach or suggest a valve including a membrane having a boarder portion that surrounds a raised portion and wherein the valve produces an audible sound when the raised portion is moved across the plane of the border portion.

In view of the amendment to independent claims 1, 17, and 30 and the above remarks, it is believed that the prior art rejection of these claims and all claims dependent therefrom is overcome and should be withdrawn.

In re Appln.of Miller et al.  
Application No. 10/765,514

*Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,

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